

APPEAL NO. 041039
FILED JUNE 28, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 5, 2004. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, that the claimant did not sustain a compensable injury that extends to a left and right knee meniscus tear, and that because the claimant did not sustain a compensable injury, that the claimant did not have disability. The claimant appealed, arguing that the hearing officer's determinations on the disputed issues contain "egregious errors of fact and law" and that these determinations are against the great weight and preponderance of the evidence. The respondent (self-insured) filed an untimely response and the response will not be considered.

DECISION

Affirmed.

The claimant had the burden to prove that she was injured in the course and scope of her employment. The 1989 Act makes the hearing officer the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. The finder of fact may believe that the incident occurred, but disbelieve the claimant's testimony and evidence that the incident caused the claimed injury. Our review of the record does not demonstrate that the hearing officer's injury and extent-of-injury determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust; therefore, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The 1989 Act requires the existence of a compensable injury as a prerequisite to a finding of disability. Section 401.011(16). Because the claimant did not sustain a compensable injury, the hearing officer properly concluded that the claimant did not have disability.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**CITY SECRETARY
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Veronica L. Ruberto
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge